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25. Aug. 2003

Termin:

Eingang bei ZPL

26. NOV 2003

Term.  
Bearb.

Datum/Date

25.08.03

Zeichen/Ref./Réf.

alca.202.22 EP

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

03290368.4-2412-

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

ALCATEL

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☐ abstract

☐ title

☒ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract: 2

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	EP 0 615 391 A (BELL TELEPHONE MFG ;ALCATEL NV (NL)) 14 September 1994 (1994-09-14) * column 1, line 1 - line 17 *	1,7,8,10	H0407/38 H0407/36
Y	* column 2, line 49 - line 54 * * column 6, line 27 - line 40 * * column 11, line 35 - line 52 * * column 12, line 55 - column 13, line 2 * * abstract *	2-6,9	
Y	WO 00 54539 A (LARSEN JAMES DAVID ;SALBU RESEARCH AND DEV LAB PRO (ZA)) 14 September 2000 (2000-09-14) * page 2, line 2 - page 4, line 30 * * page 18, line 21 - line 26 *	2-6,9	
A	US 6 161 014 A (CHERPANTIER CORINNE ET AL) 12 December 2000 (2000-12-12) * the whole document *	1-10	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			H04Q
The present search report has been drawn up for all claims			
Place of search MUNICH		Date of completion of the search 4 August 2003	Examiner Harrysson, A
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 29 0368

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

04-08-2003

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0615391	A	14-09-1994	EP 0615391 A1	14-09-1994
			AU 667763 B2	04-04-1996
			AU 5514594 A	15-09-1994
			CA 2118559 A1	10-09-1994
			CN 1099545 A , B	01-03-1995
			FI 941093 A	10-09-1994
			JP 6350520 A	22-12-1994
			US 5504935 A	02-04-1996
WO 0054539	A	14-09-2000	AT 242585 T	15-06-2003
			AU 2934300 A	28-09-2000
			DE 60003127 D1	10-07-2003
			EP 1080596 A1	07-03-2001
			WO 0054539 A1	14-09-2000
US 6161014	A	12-12-2000	FR 2778303 A1	05-11-1999
			EP 0955784 A1	10-11-1999



## ABSTRACT / ZUSAMMENFASSUNG / ABREGE

03290368.4

The present invention relates to a method of selecting of a path to establish a communication link between a first node and one of a plurality of access points of a wireless cellular telecommunication system, the wireless cellular telecommunication system having second nodes being adapted to serve as relay nodes, the method comprising the steps of:

- receiving of data from at least one of the second nodes, the data being indicative of a first quality measure of a first path from the one of the second nodes to its access point,
- comparing of a second quality measure of a second path from the first node to its access point with the first quality measure,
- selecting of the first path to replace the second path if the first quality measure is superior to the second quality measure.

## Extended European Search Report

This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The examination has revealed that the application or the invention to which it relates appear **not** to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT SE SI SK TR LI

**Description, pages:**

2-10 as originally filed

**Claims, No.:**

1-10 as originally filed

**Drawings, sheets:**

1/3-3/3 as originally filed

1) The following documents are cited in the search report:

D1: EP-A-0615391

D2: WO-A-0054539

D3: US-A-6161014

- 2) With respect to **claim 1**, document **D1** (see in particular abstract; column 1 at lines 1-17; column 2 at lines 49-54; column 6 at lines 27-40; column 11 at lines 35-52; column 12 at line 55 - column 13 at line 2) discloses (any references in parentheses applying to this document) a method of selecting of a path to establish a communication link between a first node and one of a plurality of access points of a wireless cellular telecommunication system, the wireless cellular telecommunication system having second nodes being adapted to serve as relay nodes (see in particular column 1 at lines 1-17; column 2 at lines 49-54), comprising the step of:
- receiving data from at least one of the second nodes, the data being indicative of a first quality measure of a first path from the one of the second nodes to its access point (see in particular column 6 at lines 27-40; column 12 at line 55 - column 13 at line 2)
  - comparing of a second quality measure of a second path from the first node to its access point with the first quality measure (implicit from column 11 at lines 35-52)
  - selecting of the first path to replace the second path if the first quality measure is superior to the second quality measure (implicit column 11 at lines 35-52)

The document **D1** thus either explicitly or implicitly discloses **all** features of **claim**



**1** and the subject-matter of said claim is therefore **not novel** (Article 54(1) and (2) EPC).

Furthermore, it is pointed out that should the applicant dispute the aforementioned novelty objection based on minor differences of interpretation between some of the features of **claim 1** and the features of **D1**, the subject-matter of said claim would **not involve an inventive step** (Article 56 EPC), with regard to the disclosure of document **D1** and the normal knowledge of a **person skilled in the art** of handover between relay stations in mobile telephone networks. In this respect it should be noted that document **D2** (see in particular abstract; page 2 at line 2 - page 4 at line 30) describes a similar method of selecting a path to establish communication comprising a probe signal indicating the suitability of a relay station for setting up a call (see in particular page 2 at lines 20-27; page 4 at lines 1-3; page 18 at lines 21-26).

- 3) The above objection regarding claim 1 applies also to independent **claims 7, 8 and 10**, which define a computer program product, mobile node and a wireless system, respectively, suitable for performing the method defined in independent claim 1. As a consequence the subject-matter of **claims 7, 8 and 10** is also **neither novel** (Article 54(1) and (2) EPC) **nor does it involve an inventive step** (Article 56 EPC).
- 4) The **dependent claims on file** do **not** appear to contain any additional features which, in combination with the features of any claim to which they refer, **involve an inventive step** for the reason that the subject-matter of said claims **either** is in principle directly derivable from the disclosure of document **D1** (see in particular abstract; column 1 at lines 1-17; column 2 at lines 49-54; column 6 at lines 27-40, column 12 at line 55 - column 13 at line 2; column 11 at lines 35-52) or from document **D2** (see in particular abstract; page 2 at line 2 - page 4 at line 30) **or** represents minor design details which are based on the normal knowledge of a person skilled in the art of mobile telephone networks.

Thus the dependent **claims on file** do not fulfil the requirements of Articles 54(1),(2) and 56 EPC.

- 5) It is not at present apparent which part of the application could serve as a basis for a new claim. Should the applicant nevertheless regard some particular matter



Bescheid/Protokoll (Anlage)		Communication/Minutes (Annex)	Notification/Procès-verbal (Annexe)
Datum Date	**CODINGDATE**	Blatt Sheet Feuille	Anmelde-Nr.: Application No.: Demande n°:
		3	03 290 368.4

as novel and inventive, an independent claim containing such matter should be filed. The applicant should also indicate in the letter of reply the **difference** of the subject-matter of the new claim vis-à-vis the state of the art and the **significance in terms of technical effects** thereof.

- 6) If new claims are filed to overcome the objections set out above, the applicant should also take the opportunity to attend to the following points.
- a) The independent claims should be drafted in the proper **two-part form** recommended by Rule 29(1) EPC, having a preamble that correctly reflects the nearest pre-published art, presumably that represented by document D1.

If the applicant considers two-part form inappropriate in accordance with EPO Guidelines C-III-2.3, he is invited to provide reasons in his reply and also ensure that it is clear from the description which features defined by the independent claim are known from the prior art, EPO Guidelines C-III-2.3b.

- b) In order to meet the requirements of Rule 27(1)(b) EPC, the **relevant prior art** presumably document D1 should be acknowledged by reference and briefly discussed in the introductory part of the **description**.
- c) If any **amended independent claims** are filed, the opening part of the **description**, including the summary of the invention, should be brought into agreement with the wording thereof, Rule 27(1)(c) EPC.
- d) Also, the **application may not be amended** in such a way that it contains subject-matter which extends **beyond** the content of the application **as filed**, Article 123(2) EPC.

The applicant is requested to **clearly identify the amendments carried out**, irrespective of whether they concern amendments by addition, replacement or deletion, **and to indicate the passages** of the application as filed on which these amendments are based. If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

- e) Finally, amendments should be filed by way of replacement pages.